

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

ALSHON C. WILLIAMS,

Plaintiff,

-against-

DONALD SELSKY, *et al.*,

Defendants.

Civil Action No.  
9:06-CV-0354  
(LEK/DEP )

**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on August 7, 2007, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 27). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Defendants, which were filed on August 15, 2007. Objections (Dkt. No. 28).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 27) is **APPROVED** and  
**ADOPTED** in its **ENTIRETY**; and it is further

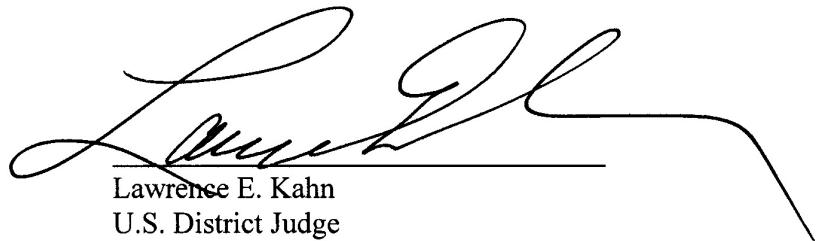
**ORDERED**, that Defendants' Motion to dismiss Plaintiff's complaint for failure to state a claim (Dkt. No. 23) is **GRANTED**, in part, with regard to Plaintiff's due process claim and **DENIED**, in part, as to Plaintiff's excessive force claims; and it is further

**ORDERED**, that all claims against Selsky and Drown, be **DISMISSED**, with leave to replead; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: February 05, 2008  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge